

Table 2
Review of Potential Chemical-Specific and Action-Specific Applicable or
Relevant and Appropriate Requirements (ARARs) and Information To Be Considered (TBC)

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
FEDERAL REQUIREMENTS			
CLEAN WATER ACT (Federal Water Pollution Control Act)	33 U.S.C.A. Sec. 1251-1387		
Ambient Water Quality Criteria	CWA Section 304; <i>Quality Criteria for Water</i> , U.S. EPA 1986	Establishes nonenforceable guidelines for States to set water quality standards for surface water. Criteria based on protection of aquatic life and human health.	ARAR only if concentrations of surface water above sediments exceed these criteria; otherwise becomes a cross-media check.
Water Quality Standards	SWA Section 303 40 CFR 131	Requires states to develop water quality standards based on federal guidelines.	ARAR only if concentrations of surface water above sediments exceed these criteria; otherwise becomes a cross-media check.
National Pollutant Discharge Elimination System (NPDES)	CWA Section 401 40 CFR 122, 123	Requires compliance with permit limitations for discharge to navigable waters, including water quality effluent limits, water quality standards, national performance standards, and toxic and pretreatment effluent standards.	NPDES program is administered by the state. (see Wisconsin NPDES Permit Regulations.) Potential ARAR for actions involving discharges of liquid effluent to surface water.
Water Quality Guidance for Great Lakes System	CWA Section 118 40 CFR 132	Establishes minimum water quality standards, antidegradation policies, and implementation procedures for the Great Lakes System.	Potential ARAR for actions involving discharges of effluent to surface waters and remedial actions for sediments.
Effluent Standards - Technology-Based Discharge Requirements	CWA Section 301(b)	Requires all direct discharges to be treated with best control technology or best available technology prior to discharge.	Not ARAR unless surface water is channeled directly to a surface water body via a ditch, culvert, storm sewer, or other means; or treated water is discharged.
Dredge and Fill Requirements	CWA Section 404 (Inland Testing Manual)	Regulates discharge of dredged or fill material to U.S. waters including wetlands. Testing manual establishes procedures for determining the potential for contaminant-related impacts associated with discharge of dredged material in inland waters.	Requires consideration of any practicable alternatives and may require protection of environmental values of the site. Includes testing protocols. Potential action-specific ARAR.
Proposed Sediment Quality Criteria	CWA Section 304; Sediment Quality Criteria, U.S. EPA; 1991	Establishes sediment quality standards that will not unacceptably affect benthic organisms.	Potential ARAR once promulgated; otherwise a potential TBC.
RESOURCE CONSERVATION AND RECOVERY ACT (Solid Waste Disposal Act)	42 U.S.C.A. 6901-6992k		
Definition of Hazardous Waste	40 CFR 261	Defines threshold levels and criteria to determine whether material is hazardous waste.	Potential ARAR for actions that involve management and land disposal of wastes.

Table 2 (Continued)
Review of Potential Chemical-Specific and Action-Specific Applicable or
Relevant and Appropriate Requirements (ARARs) and Information To Be Considered (TBC)

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
Land Disposal Restrictions (LDR)	40 CFR 268	Prohibits land use of specific RCRA hazardous wastes and defines treatment standards for most land disposal restricted wastes.	Potential ARARs for disposal actions that involve the management of wastes. Currently proposed LDR rules known as Phase IV (Federal Register 62 FR 26041) are proposing limiting the number of wastes currently exempt from LDR treatment standards by the Bevill Amendment. MGP wastes are currently excluded from LDR treatment standards under the Bevill exclusion, but Phase IV may potentially remove MGP wastes from the Bevill exclusion.
Treatment, Storage, and Disposal Facility Requirements	40 CFR 262, 264, 268	Defines prohibitions on storage, treatment, and disposal of hazardous wastes.	Potential ARAR for actions that involve the management of wastes.
CLEAN AIR ACT	42 U.S.C.A. 7401-7642		
National Ambient Air Quality Standards	CAA Section 109	Establishes ambient air quality standards for chemicals and particulates for certain sources.	Potential ARAR for actions that generate air emissions.
Hazardous Air Pollutants Program (NESHAP)	CAA Section 112	Requires EPA to promulgate standards for categories of sources of toxic air contaminants, using maximum achievable control technology (MACT) and residual risk standards.	Potential ARAR for specific remedial actions that generate air emissions including, but not limited to asbestos containing materials (ACM).
TOXICS SUBSTANCES CONTROL ACT	51 U.S.C. 2601, et. seq.; 40 CFR 761	Regulates the use, storage, and disposal of PCBs and PCB items. TSCA spill cleanup levels (10 ppm, 25 ppm, 50 ppm)	Potential ARAR for removal and disposal of PCB-containing devices in building to be demolished. Potential TBC.
Asbestos Abatement Projects - Worker Protection Rule	40 CFR 763; Subpart G	Regulations for asbestos control.	Potential ARARs for asbestos removal if former wastewater treatment building is demolished or renovated.
OCCUPATIONAL SAFETY AND HEALTH ACT	29 U.S.C. 651; et. seq.; 55 FR 45654 29 CFR 1900.120	Defines health and safety standards for employees engaged in hazardous waste operations.	Potential ARAR for any activity at contaminated sites.
	29 CFR 1926.1101	Health and safety standards for operations involving asbestos.	Demolition, construction, or renovation activities involving ACM.
DEPARTMENT OF TRANSPORTATION RULES FOR THE TRANSPORTATION OF HAZARDOUS MATERIALS	49 U.S.C. 1801, et. seq. 49 CFR Parts 107, 171, 172, 173 40 CFR 263 WIDOT	Establishes standards and procedures for the transportation of hazardous materials.	Potential ARAR for any movement of hazardous materials offsite.

Table 2 (Continued)
Review of Potential Chemical-Specific and Action-Specific Applicable or
Relevant and Appropriate Requirements (ARARs) and Information To Be Considered (TBC)

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
GREAT LAKES PROGRAM OFFICE - SEDIMENT EFFECTS CONCENTRATIONS (SECs)		Concentration levels of chemicals below which toxic effects are rarely observed. The SECs were developed by the National Biological Society.	Potential TBC for determining which chemicals could potentially cause adverse effects on biological activities at the site.
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) STATUS AND TRENDS PROGRAM	Document Title: The Potential for Biological Effects of Sediment-Sorbed Contaminants Tested in the National Status and Trends Program, NOAA Technical Memorandum NOS OMA52, August 1991	Identifies sediment contaminant levels expected to have no adverse biological effects or minor adverse biological effects. Based on toxicological studies.	Potential TBC.
ONTARIO PROVINCIAL SEDIMENT QUALITY GUIDELINES	Document Title: Guidelines for the Protection and Management of Aquatic Sediment Quality in Ontario, August 1993	Establishes guidelines for the protection and management of aquatic sediment quality in Ontario.	Potential TBC.
STATE REQUIREMENTS			
WISCONSIN STATE-FISH, GAME AND ENFORCEMENT, FORESTRY AND RECREATION	WAC NR 1-		
Endangered and Threatened Species Rules	WAC NR 27	Governs the transportation (among other things) of endangered and/or threatened species.	Potential ARAR for removal, transport, and disposal of contaminated sediments.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - GENERAL	WAC NR 100-		
Wisconsin Water Quality Standards for Wisconsin Surface Waters	WAC NR 102 - 106	Establishes definition of water use and criteria for protection of public health and enjoyment and protection and propagation of fish, shellfish, and wildlife.	Potential ARAR only if concentrations of surface water above sediments exceed these criteria.
Water Quality Standards for Great Lakes System - Lake Superior	Regulations have not been promulgated yet, sent to EPA 8/97	Enforceable requirements from GLI federal EPA guidelines.	Potential ARAR for discharge of effluent to surface waters.
Groundwater Quality	WAC NR 140	Establishes groundwater quality standards for substances detected or having reasonable probability of entering groundwater resources.	Potential ARAR for groundwater contamination identified at the site and for removal, transport, and disposal of contaminated sediments (impacts to groundwater).

Table 2 (Continued)
Review of Potential Chemical-Specific and Action-Specific Applicable or
Relevant and Appropriate Requirements (ARARs) and Information To Be Considered (TBC)

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
Proposed Public Health Groundwater Quality Standards	Standards to be added to WAC NR 140 Groundwater Quality Standards	Establishes proposed groundwater quality standards for substances of health concern per recommendation of the Department of Health and Social Services	Potential ARAR after inclusion in WAC NR 140.
Management of PCBs and Products Containing PCBs	WAC NR 157	Establishes procedures for the storage, collection, transportation, processing, and final disposal of PCBs and materials containing PCBs.	Potential ARAR for removal, transport, and disposal of PCB-containing devices in building to be demolished.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES)	WAC NR 200-	Requires compliance with permit limitations for discharge to navigable waters, including water quality effluent limits, water quality standards, State performance standards, and toxic and pretreatment effluent standards.	Potential ARAR for actions involving discharges of liquid effluent to surface water.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - AIR POLLUTION CONTROL REGULATIONS	WAC NR 400-	Establishes concentration levels, by chemical, for new sources.	Potential action-specific ARAR for removal, treatment, and disposal of VOC, PAH, metals contaminated sediments, soil, and groundwater. Potential ARAR for asbestos demolition and disposal.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - HAZARDOUS WASTE MANAGEMENT	WAC NR 600-		
Identification and Listing of Hazardous Waste	WAC NR 605, Ch. 291 Wis. Stats.	Establishes criteria for identifying the characteristics of hazardous waste to determine if the waste is subject to regulation.	Potential ARAR for removal, transport, and disposal of contaminated sediments.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - INVESTIGATION AND REMEDIATION	WAC NR 700-		
Notification of the Discharge of Hazardous Substances	WAC NR 706	Notification procedures and responsibilities by discharger of hazardous substances including containment, cleanup, disposal, and restoration	Potential ARAR for removal, transport, and disposal of contaminated sediments.
Site Investigations	WAC NR 716	Establishes criteria to ensure that site investigations provide adequate investigative information to determine a remedial action option.	Potential ARAR for site investigation activities.

Table 2 (Continued)
Review of Potential Chemical-Specific and Action-Specific Applicable or
Relevant and Appropriate Requirements (ARARs) and Information To Be Considered (TBC)

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
Soil Cleanup Standards	WAC NR 720	Establishes residual contaminant levels based on protection of groundwater and protection of human health from direct contact with contaminated soil.	Potential ARAR for contaminated soils.
Interim Guidance for Soil Cleanup levels for Polycyclic Aromatic Hydrocarbons (PAHs)	WDNR PUBL RR-519-97	Provides interim guidance on suggested soil cleanup levels for PAHs.	Potential ARAR for contaminated soils.
Standards for Selecting Remedial Actions	WAC NR 722	Establishes minimum standards for identifying and evaluating remedial action options and selecting remedial actions.	Potential ARAR.
WISCONSIN DEPARTMENT OF NATURAL RESOURCES SEDIMENT QUALITY GUIDELINES	WDNR, 1985; 1990	Sediment criteria based on environmental risk used primarily for in-water disposal of dredged material. Values for metals, pesticides, and other chlorinated organics are derived using a background comparison approach. More recent data based on equilibrium partitioning approach.	Guidelines only, no State regulatory basis, potential TBC.
	Document Title: "Assessing Sediment Quality in Water Bodies Associated with Manufactured Gas Plant Sites," WDNR PUBL-WR-447-96, March 1996	Provides framework for investigating potential surface problems at MGP sites.	Guidance document from the WDNR, potential TBC.
WISCONSIN DEPARTMENT OF NATURAL RESOURCES GENERAL INTERIM GUIDANCES	Document Title: "Repeal of Temporary Suspension on Approval of and General Interim Guidance for the Use of Hydrogen Peroxide/Catalyst Injection (a.k.a. Fenton's Reagent)," WDNR PUBL-RR-583, December 1, 1997	Provides guidelines for using Fenton's reagent at remedial sites.	Guidance document from the WDNR, potential TBC.
WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES			
Asbestos Certification and Training Accreditation	ch. HSS 159 (may change to HFS)	Establishes training course requirements for asbestos abatement	Potential ARAR for asbestos removal during possible building demolition.

Table 3
Review of Potential Location-Specific and Action-Specific ARARs and TBCs

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
Federal Requirements			
CLEAN WATER ACT (Federal Water Pollution Control Act)	33 U.S.C.A. 1251-1387 40 CFR 407, 122	Discharges to municipal sewers; discharges from pretreatment processes, storm water, etc.	Potential action and location specific ARAR.
Construction Activities Dredge or Fill Requirements	CWA Sections 401, 404 40 CFR 230, 33 CFR 320-330	Requires coordination with the U.S. Army Corps of Engineers and permits to conduct activities that are located near navigable waters. Protection of wetlands is a primary goal of the dredge and fill permit program.	Potential action and location specific ARAR.
EXECUTIVE ORDER ON PROTECTION OF WETLANDS	Executive Order 11990 40 CFR 6, Appendix A	Requires federal agencies to take action to avoid adversely impacting wetlands, to minimize wetland destruction, and to preserve the value of wetlands.	Potential action and location specific ARAR.
EXECUTIVE ORDER ON PROTECTION OF FLOODPLAINS	Executive Order 11988 40 CFR 6, Appendix A	Requires federal agencies to take action to avoid adversely impacting floodplains, to minimize floodplain destruction, and to preserve the value of floodplains.	Potential action and location specific ARAR.
WATER QUALITY GUIDANCE FOR THE GREAT LAKES SYSTEM/GREAT LAKES WATER QUALITY INITIATIVE	40 CFR 132	Identifies minimum water quality standards, antidegradation policies, and implementation procedures for the Great Lakes System.	Potential action and location specific ARAR.
FISH AND WILDLIFE COORDINATION ACT	16 U.S.C.A. 61-66 40 CFR 630	Requires federal agencies to take into consideration the effect that impoundments, diversions or modifications would have on fish and wildlife and to take action to prevent loss or damage to these resources.	Potential action and location specific ARAR.
NATIONAL ARCHAEOLOGICAL HISTORICAL PRESERVATION ACT	16 U.S.C.A. 469a-1	Requires any federal construction project or federally approved project to preserve significant scientific, prehistorical, or archeological data.	Potential action and location specific ARAR.
ENDANGERED SPECIES ACT	16 U.S.C.A. Sections 1531-144 59 CFR 17, 81, 222, 225, 402, 50-453	Action to conserve endangered species or threatened species.	Potential action and location specific ARAR.
COASTAL ZONE MANAGEMENT ACT	16 U.S.C.A. 1451-1464	Dredging, in situ capping, and any construction within a coastal zone.	Potential action and location specific ARAR.
NATIONAL RIVER AND HARBOR ACT SECTION 10	33 U.S.C.A. 403	Regulates all structures or work below the mean high water mark of navigable tidal waters.	Potential action and location specific ARAR.
OCCUPATIONAL HEALTH AND SAFETY ACT	29 U.S.C.A. Section 651 et. seq., 1910	Requires a formal hazard analysis of the site and development of a site-specific plan for worker protection	Applicable to all field activities.

Table 3 (Continued)
Review of Potential Location-Specific and Action-Specific ARARs and TBCs

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
STATE REQUIREMENTS			
WISCONSIN STATE ENVIRONMENTAL PROTECTION - GENERAL	WAC NR 102-106, 207	Water quality based effluent limits designed to protect fish and aquatic life, wild and domestic animals, and human health.	Potential action and location specific ARAR.
	WAC NR 108 ch. 281 Wis. Stats.	WDNR approval of all wastewater treatment and conveyance systems prior to construction in accordance with ch. 281 Wis. Stats.	Potential action and location specific ARAR.
Wisconsin's Shoreland Management Program	WAC NR 115	Establishes protection of wetlands and other sensitive areas within designated shoreline areas.	Potential action and location specific ARAR.
Wisconsin's Floodplain Management Program	WAC NR 116	Requires the State to take action to avoid adversely impacting floodplains, to minimize floodplain destruction, and to preserve the value of floodplains.	Potential action and location specific ARAR.
Wisconsin's City and Village Shoreland-Wetland Protection Program	WAC NR 117	Establishes minimum standards to accomplish State shoreland protection objectives.	Potential action and location specific ARAR.
Wisconsin's Nonpoint Source Pollution Abatement Program	WAC NR 120		Potential action and location specific ARAR.
WISCONSIN ENVIRONMENTAL POLICY ACT	WAC NR 150	Evaluation criteria to ascertain the effects of major projects on the environment.	Potential action and location specific ARAR.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - WPDES	WAC NR 220-297	Technology based effluent limits.	Potential action and location specific ARAR.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - WATER REGULATION	WAC NR 300-		
Wisconsin's General Permit Program for Certain Water Regulatory Permits	WAC NR 322	Establishes minimum design standards and specifications for projects permitted under a general permit.	Potential action and location specific ARAR.
Dredging Contract Fees	WAC NR 346	Establishes procedures applicable to the removal of material from the beds of natural lakes and outlying waters for which a contract is required between the State and person desiring to remove bed material in accordance with s. 30.20 Wis. Stats.	Potential action-specific ARAR for removal, transport, and disposal of sediments.
Sediment Sampling and Analysis, Monitoring Protocol, and Disposal Criteria for Dredging Projects	WAC NR 347	Establishes procedures and protocols for sediment sampling and analysis, disposal criteria, and monitoring requirements for dredging projects regulated by the State of Wisconsin.	Potential action-specific ARAR for removal, transport, and disposal of sediments.

Table 3 (Continued)
Review of Potential Location-Specific and Action-Specific ARARs and TBCs

Standard, Requirement, Criteria, or Limitation	Citation	Description	Comments
WISCONSIN STATE ENVIRONMENTAL PROTECTION - SOLID AND HAZARDOUS WASTE MANAGEMENT	WAC NR 500-	Provides definitions, submittal requirements, exemptions and other general information relating to solid waste facilities which are subject to regulations under s. 289.01 to 289.97 Wis. Stats.	Potential action-specific ARAR.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - HAZARDOUS WASTE MANAGEMENT	WAC NR 600-	Provides definitions, general permit application information, incorporation by reference citations and general information concerning the hazardous waste management program. Applies to those who generate, transport, recycle, store, treat or dispose of solid waste under NR 605.04	Potential action-specific ARAR.
WISCONSIN STATE ENVIRONMENTAL PROTECTION - INVESTIGATION AND REMEDIATION OF ENVIRONMENTAL CONTAMINATION	WAC NR 700-	Establishes standards and procedures that allow for site-specific flexibility, pertaining to the identification, investigation, and remediation of sites and facilities which are subject to regulation under s. 292.11, 292.15, 292.31, or 292.41 Wis. Stats	Potential action and location specific ARAR.
City Requirements	Citation	Description	Comments
Ashland City Ordinances	Ordinance #202	Noise Regulations	Potential action-specific ARAR.
	Ordinance #781.18	Zoning Regulations	Potential location specific ARAR.
	Ordinance #462	Shoreland-Wetland Regulations	Potential location specific ARAR.
	Ordinance #502	City Streets Regulations	Potential location and action specific ARAR.
	Ordinance #503	Heavy Traffic Regulations	Potential location and action specific ARAR.
	Ordinances #711 and #712	Sanitary Sewer Regulations	Potential action-specific ARAR.